UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,491	12/04/2000	Hua Chen	SOM920000009US1	6533

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EXAMINER
HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/727,491	CHEN ET·AL.
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-12 and 14-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 9-12, 14-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 9/1/06 to the

application filed on 12/04/00.

2.   Claims 1-6, 9-12, 14-18 are pending in the case. Claims 1, 11, 14 are

independent claims.

3.   The rejections of claims 1-6, 9-12 under 35 U.S.C. 112, second paragraph, have

been withdrawn in view of the amendment.

Claim Objections

4.   Independent claim 1 and its corresponding independent claims 11 and 14 are

objected to because of following informalities: since the multimedia repository file is

created by combining the multimedia assets and the multimedia description file, said

multimedia repository file, when stored, of course, is a single file. It appears that the

phrase "as a single file" in the storing step is not necessary.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 1-2, 6, 9-14, 18 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Gibbon ((US Pat No. 6,473,778 B1, 10/29/02, filed 2/1/99, priority

12/24/98).

Regarding independent claim 1, Gibbon discloses:

-   incorporating multimedia assets into a framework as a series of related frames
    (figure 6, #612, #614, col 11, line 17 to col 12, line 6)

-   creating a multimedia description file in a template for formatting multimedia
    assets (col 5, lines 1-19; figure 9, col 13, lines 63-67)

-   combining the multimedia assets and the multimedia description file in the
    template through an automated processing program to create a multimedia
    repository file executable on a multimedia player (figure 9, col 13, line 53 to col
    14, line 7)

-   creating hypermedia documents from conventional transcription of television
    programs wherein a hypermedia document is created by inserting multimedia

content into the template using an *automated* method and an *automated*

multimedia authoring tool for (col 2, lines 46-53, figure 9, and col 13, line 53 to

col 14, line 7)

Gibbon does not disclose explicitly a batch-processing program to create a multimedia

repository file executable on a multimedia player.

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have modified Gibbon to include a batch-processing program to

create a multimedia file since the fact that the multimedia assets and the multimedia

description file are combined into one file executable on a multimedia player of the

computer implies that said combined file is implemented based on a batch mode

program.

Gibbon further discloses:

- storing the multimedia repository file as a single file on a shared storage device

  (figure 9, col 13, lines 53-67: the fact that the HTML file, which is a combination

  of the description file and the image, video and audio, is maintained on a web

  server implies that said HTML file is stored on a shared storage device)

- accessing the multimedia repository file by at least one authoring session

  manager for access to the multimedia assets, (col 3, lines 18-28, 45-57, col 2,

  lines 8-12, figure 9 and col 13, line 53 to col 14, line 7: *accessing a large*

  multimedia database using *standard text* information retrieval system, selecting

  the best multimedia data for creating the content of a multimedia file)

- the series of related frames comprising a thumbnail frame, a meta frame, and
  one or more media frames (col 12, lines 7-34: the slide show icon in the narrated
  slide show document is equivalent to a thumbnail frame, the video frames are
  media frames, and the frame-reference transcript is equivalent to the meta frame,
  all are related frames displayed sequentially for a hypermedia document)

- for each authoring session manager, storing a modified multimedia repository file
  on a storage device associated with the authoring session manager, wherein the
  modified multimedia repository file is configured for execution on a multimedia
  player (cols 7-10: editing data for the multimedia files which are maintained in the
  database of a web server; the multimedia files, thus are maintained in the shared
  storage device associated with an authoring session manager, which allows
  creating and editing multimedia data)

Gibbon does not disclose that the series of related frames comprising a header frame
and an end of sequence frame.

However, it would have been obvious to an ordinary skill in the art at the time of the
invention was made to have modified Gibbon to include the header frame and the end
of sequence frame for the following reason. The narrated slide show, which includes
video frames displayed sequentially, implies a beginning of the show, which is
equivalent to a heading, and an ending, which is an end of the frame sequence
disclosed in the last frame of the frame sequence.

Gibbon does not disclose:

- creating a modified multimedia description file in a template

- creating a modified multimedia repository file upon combination of the multimedia assets and the modified multimedia description file

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include into Gibbon the creation of the modified repository file, which is merely modifying the multimedia repository file caused by modifying the description file, which is a component of the multimedia repository file for the following reason. It was well known to modify images or audio data. Accordingly, the description file for the image and audio data will be modified to be suitable to the change. Therefore, it is understandable that the multimedia repository file, which is combined by a *modified* multimedia description file and the multimedia data, is modified. And, since the combined multimedia repository file is modified, storing such a modified file was known as a must step to keep data for later use.

Regarding claims 2 and 9, which are dependent on claim 1, Gibbon discloses injecting other content into the multimedia description file (col 5, lines 1-19: placing anchors elsewhere in the text, modify the list to improve the document layout; col 2, lines 8-12: generating a hypermedia document in response to the user request using a selected template implies that the multimedia content must be injected into the template, which is equivalent to the multimedia content description file, for said generating).

Regarding claim 6, which is dependent on claim 1, Gibbon discloses managing the creation of the template and the multimedia content description file in stages by different users (figure 9 and col 13, line 53 to col 14, line 7, col 2, lines 8-12).

Regarding claim 10, which is dependent on claim 1, Gibbon discloses that the

multimedia repository file is a multimedia container in a binary format (col 11, lines 63-

67: since the video frames extracted in digital format via the analog-to-digital converter,

the multimedia file including video frames should also be in digital format, that means in

the 1s and 0s of binary numbers).

Claims 11-12 are for a system of method claims 1 and 6 and are rejected under the

same rationale.

Claims 14, 18 are for a program medium of method claims 1-2, 6, and are rejected

under the same rationale.

Claim 13 is for a system of method claim 7, and is rejected under the same rationale.

8.   Claims 3-5, 15-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable

over Gibbon as applied to claims 1 and 14 above, and further in view of Hui (US Pat No.

6,654,030 B1, 11/25/03, filed 3/31/99).

Regarding claim 3, which is dependent on claim 1, Gibbon does not disclose creating

an XML based MVR file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since the XML-based video file in Hui

suggests creating a multimedia file in XML-based format, providing the advantage to

apply the XML-based format instead of the HTML-based format to the multimedia file in

Gibbon (figure 9) for enhancing the display of multimedia files on the web such as

synchronizing the video files, a feature that HTML does not provide to multimedia.

Regarding claim 4, which is dependent on claim 1, Gibbon does not disclose using a

textual editor to create an MVR-XML file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since the XML-based multimedia file

would provide the advantage to apply to the HTML-based multimedia file, which is also

in markup language-based for conveying more features for a media file such as video

synchronizing, and it was well known in the art that the multimedia file in XML or HTML

format, which is a text file, is created using any text editor.

Regarding claim 5, which is dependent on claim 1, Gibbon does not disclose using an

MVR-XML file as a data interchange among other Rich Media Content creation

applications.

Hui discloses using an MVR-XML file as a data interchange among other Rich Media

Content creation applications (col 4, lines 49-65 and figure 4: disk 3 has media files for

different applications).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since Hui discloses using an MVR-XML

file as a data interchange among other Rich Media Content creation applications

providing the advantage to replace the MVR-HTML file in Gibbon for advanced features

for video files such as video synchronizing.

Claims 15-17 are a medium of method claims 3-5, and are rejected under the same

rationale.

Response to Arguments

9.   Applicant's arguments filed 9/1/06 have been fully considered but they are not

persuasive.

Applicants state that Gibbon fails to render obvious the incorporation of a thumbnail

frame and a meta frame into a framework with one or more media frames as well as the

incorporation of a header frame and an end of sequence frame into a framework with

these media frames.

Gibbon discloses a thumbnail frame, which is the slide show icon in the narrated slide

show document, the media frames, which is video frames, and the meta frame, which

the frame-reference transcript, all are related to a hypermedia document (col 12, lines 7-

34). Regarding the header frame and the end of sequence frame, it is noted that the

slide show is a narrated slide show which is displayed sequentially. Therefore, an

introduction for beginning the slide show and the final for ending the slide show are

implied in the narrated slide show.

Applicants argue that Gibbon fails to suggest or disclose the combining of multimedia

assets and a multimedia description file through a batch-processing program to create a

multimedia repository file that is executable on a multimedia player, as recited in the

independent claim.

Gibbon teaches a HTML presentation including *transcription text*, which is equivalent to

description file, and images and audio stream, which are multimedia assets (col 13, line

53 to col 14, line 20) rendered for viewing on a computer, actually on the multimedia

player of the computer, when being executed according to a program (col 13, lines 22-

44). This shows combining of multimedia assets and multimedia description file to

create a multimedia repository file that is executable on a multimedia player of the

computer. Since the HTML presentation including different files of descriptions and

media executed on a multimedia player of a computer, the HTML presentation implies

that the combining of multimedia assets and multimedia description file is processed

through a batch-processing program.

Applicants argue that Gibbon fails to disclose accessing of a multimedia repository file

from a shared storage device and the storage of a modified multimedia repository file on

a device associated with an authoring session manager.

Examiner respectfully disagrees.

The fact that the TV programs stored at a web server can be accessed for rendering different views to users shows accessing of multimedia repository files from a shared storage of the web server (col 3, lines 1-17).

Applicants argue that Gibbon fails to disclose the storage of a modified multimedia repository file on a device associated with an authoring session manager.

Examiner respectfully disagrees.

Gibbon discloses editing data for the multimedia files (cols7-10) which are maintained in the database of a web server. The multimedia files, thus are maintained in the storage associated with an authoring session manager, which allows creating and editing multimedia data.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Fandozzi (US 6,766,357). Beck et al. (US 7,039,857).

Sacilotto et al. (US 6,763,523). Macleod Beck et al. (US 2001/0013041, 08-2001).

Gupta et al. (US 2002/0038374, 03-2002).

Land et al. (US 2006/0129933, 06-2006).

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-

4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Primary Examiner
Art Unit 2178
11/1/06